



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,021	12/31/2003	Christopher Bohn		2170

7590 06/28/2007
Christopher Bohn
134 Woodbine Drive
Mill Valley, CA 94941

EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
----------	--------------

2178

MAIL DATE	DELIVERY MODE
-----------	---------------

06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/751,021	Applicant(s) BOHN, CHRISTOPHER	
	Examiner CESAR B. PAULA	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12, 14, 15, 21-25, 27, 29 and 30 is/are pending in the application.
4a) Of the above claim(s) 1-5, 13, 16-20, 26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-12, 14, 15, 21-25, 27, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the amendment filed on 3/28/2007.

This action is made Non-Final.

2. In the amendment, claims 6-12, 14-15, 21-25, 27, and 29-30 are pending in the case. Claims 6, and 21 are independent claims.

3. Claims 1, 16 are listed with the improper status "Withdrawn-currently amended". These claims have been withdrawn from prosecution in this case. Therefore, they should not be amended, and should be listed with the appropriate status of "Withdrawn".

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: The specification refers to steps 105, 110, 15, 120, 125, 130, 135, 140, and 145 of fig. 2. These steps are not found in fig.2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 2178

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The reference numbers found in figs. 1a-5 are not found in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Art Unit: 2178

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Specification

5. The Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a **separate sheet within the range of 50 to 150 words**. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Art Unit: 2178

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities: The brief description of the drawings does not contain a brief description for each and every figure in the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 6-10, and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Musicbrainz.org website, "Introduction, How Does Musicbrainz Work, Metadata Initiative", <http://archive.org>, 1/2001.

Regarding independent claim 6, Musicbrainz discloses taking an audio track information entered by an individual and uploading it to musicbrainz database on the Web. If someone uses a media file known to the database in his computer, a player downloads the information from the online database-- a) *obtaining the metadata of a digital media file*; b) *transmitting the metadata*

Art Unit: 2178

to a central server; c) using the metadata to associate content with the media file or copy thereof-- (page 1).

Regarding claim 7, which depends on claim 6, Musicbrainz discloses that if someone uses a media file known to the database in his computer, a player downloads the information from the online database -- *creating a plug-in enhancement to a digital media player, the plug-in obtaining the metadata of the digital media file -- (page 1).*

Regarding claim 8, which depends on claim 6, Musicbrainz discloses that if someone uses a media file known to the database in his computer, a player downloads the information from the online database, and allows the user to browse the displayed information-- *(a) associating operator content with a digital media file; b) launching content that has been associated with the digital media file -- (pages 1-2).*

Regarding claim 9, which depends on claim 6, Musicbrainz discloses that if someone uses a media file known to the database in his computer, a player downloads the information from the online database, and allows the user to browse the displayed information-- *a) retrieving content resources associated with a particular digital media file; b) displaying the content resources associated with a digital media file-- (pages 1-2).*

Regarding claim 10, which depends on claim 9, Musicbrainz discloses using a file signature to lookup related information in the database-- *using the metadata obtained from the*

Art Unit: 2178

digital media file as parameters in a database query to retrieve content resources associated with the digital media.-- (page 1).

Regarding claim 11, which depends on claim 9, Musicbrainz discloses browsing the metadata found on the database using a web browser-- *the server computer transforming the content resources, once retrieved, into a format suitable for access on the client computer and transmitting the content resources to the client computer-- (page 2).* In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed.

Claims 21-25 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 6-10 respectively, and therefore are similarly rejected.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 12, 14-15, 27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Musicbrainz, in view of Roberts et al (Pat. # 5,987,525, 11/16/1999).

Art Unit: 2178

Regarding claim 12, which depends on claim 9, Musicbrainz discloses browsing the metadata found on the database using a web browser (page 2). In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed. Musicbrainz fail(s) to explicitly disclose: *the format used to display the content resources is a WebPipe, the WebPipe being an apparatus for navigating through a set series of URL-addressed resources with additional features.* However, Roberts teaches the display of a web page containing urls to information related to a cd that is playing on a user's computer (col.6, lines 24-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Musicbrainz, and Roberts, because of all the reasons found in Roberts including allowing entertainment to be meaningfully interactive (col. 1, lines 50-67).

Regarding claim 14, which depends on claim 12, Musicbrainz discloses browsing the metadata found on the database using a web browser (page 2). In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed. Musicbrainz fail(s) to explicitly disclose: *having a listing of topics relevant to a specific digital media instance automatically retrieved by a client program and automatically displayed to the operator upon the operator's playing of the specific digital media file.* However, Roberts teaches the display of a web page containing urls to information related to a cd that is playing on a user's computer (col.6, lines 24-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Musicbrainz, and Roberts, because of all the reasons found in Roberts including allowing entertainment to be meaningfully interactive (col. 1, lines 50-67).

Regarding claim 15, which depends on claim 14, Musicbrainz discloses browsing the metadata found on the database using a web browser (page 2). In other words, the server takes the metadata, formats it into a web page, and sends it to a browser where it is displayed.

Musicbrainz fail(s) to explicitly disclose: *having the results presented in a WebPipe*. However, Roberts teaches the display of a web page containing urls to information related to a cd that is playing on a user's computer (col.6, lines 24-54). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Musicbrainz, and Roberts, because of all the reasons found in Roberts including allowing entertainment to be meaningfully interactive (col. 1, lines 50-67).

Claims 27, and 29-30 are directed towards a computer program product on a computer-readable medium for storing the steps found in claims 12, and 14-15 respectively, and therefore are similarly rejected.

Art Unit: 2178

Conclusion

I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **Lemos, R., "Access Denied, Companies fight over CD Listings, leaving the public behind", Cnet.com <http://news.com.com/2009-1023-258109.html>, 5/24/01**, "Gracenote CDDB® SDK for Windows, Technical Summary", revision 1-7-10308, Gracenote, and Looney et al. (Pat. # 6,953,886).

II. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The Examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.


Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 or 571 272-1000 (USA or Canada).

Art Unit: 2178

Any response to this Action should be mailed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

- (571)-273-8300 (for **all** Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINER
6/22/2007